

Application No.: 09/961091

Case No.: 54404US008

Remarks

Claims 36-60 are pending in the application and remain under consideration.

Claim 36, 47, and 51 are amended herein.

Applicants respectfully request reconsideration of the application in view of the amendments and the following remarks.

Interview Summary

Applicants thank Examiner Wieker for the courtesy of a telephone interview held June 7, 2006 with Applicants' representative, Christopher Gram. Claims 36 and 51 were discussed in relation to the Turi *et al.* reference. Agreement was reached. The amendments to claims 36 and 51 and the remarks provided below relating to those amendments in response to the rejection of claims under 35 USC § 102(e) and 35 USC § 103(a) reflect the substantive content of the interview.

Claim Objections

The Office Action states that should claim 51 be found to allowable, claim 52 will be objected to under 37 CFR 1.75 as being a substantially duplicate of claim 51. Applicants submit that claim 52 is not a substantial duplicate of claim 51.

Claim 52 recites the method of claim 51 wherein "fluid is transported from the medical treatment site to the remote area." The relevant portion of claim 51 recites, "...transport fluid between the medical treatment site and the remote area." The term "between" used in claim 51 is directionally independent: the fluid transport can occur from either one of the medical treatment site or the remote area and proceed in the direction of the other. The fluid transport may be from the medical treatment site to the remote area or, conversely, may be from the remote area to the medical treatment site. In contrast, the fluid transport in claim 52 is direction-dependent: from the medical treatment site to the remote area.

Applicants respectfully request that the objection be withdrawn.

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Amendments to the Claims

Claims 36 and 51 have been amended to recite that the fluid control film component has at least one microstructure-bearing surface with a plurality of microreplicated channels. The amendment is fully supported by the specification at, for example, page 8, lines 12-16.

Claim 47 has been amended to correct the claim from which it depends.

No new matter is introduced by these amendments.

§ 102 Rejections

Claims 36-38, 45, 46, 48, 51-54 and 56-57 stand rejected under 35 USC § 102(e) as being anticipated by U.S. Patent No. 5,895,380 ("Turi *et al.*").

The Office Action states that Turi *et al.* discloses a medical treatment article comprising at least one fluid control film component having at least one microstructure-bearing surface (surface of the film bears perforations 58) with a plurality of channels (52, 53) that extends along the surface and permits transport of fluid between a medical treatment site on a patient or user and a remote area.

Claims 36 and 51 have been amended to recite that the channels are microreplicated. Turi *et al.* cannot anticipate Applicants' claims because Turi *et al.* fails to set forth each and every element of the claims, as amended. Specifically, Turi *et al.* fails to set forth a medical article comprising at least one fluid control film component having at least one microstructure-bearing surface with a plurality of microreplicated channels. Therefore, the medical article described in Turi *et al.* cannot provide the fluid transport properties of Applicants' claimed article and method described for example at page 8, lines 6-28.

Claims 37, 38, 45, 46, and 48 depend, directly or indirectly, from claim 36 and are, therefore, patentable over Turi *et al.* for at least all of the reasons that claim 36 is patentable over Turi *et al.* Claims 52-54 and 56-57 depend, directly or indirectly from claim 51 and are, therefore, patentable over Turi *et al.* for at least all of the reasons that claim 51 is patentable over Turi *et al.*

Applicants submit that the rejection of claims 36-38, 45, 46, 48, 51-54 and 56-57 under 35 USC § 102(e) as being anticipated by Turi *et al.* has been overcome. Withdrawal of the rejection is respectfully requested.

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§ 103 Rejections

Claims 39-44, 49, 50, and 59-60 stand rejected under 35 USC § 103(a) as being unpatentable over Turi *et al.* Each of the claims rejected under 35 USC § 103(a) depends, directly or indirectly, from either claim 36 or claim 51.

As noted above, claims 36 and 51 have been amended to recite that the channels in the claimed article are microreplicated. Turi *et al.* cannot render the claims, as amended herein, obvious because Turi *et al.* fails to teach or suggest all of the claim limitations. Specifically, Turi *et al.* fails to teach or suggest a medical article comprising at least one fluid control film component having at least one microstructure-bearing surface with a plurality of microreplicated channels that extends along the microstructure-bearing surface. Moreover, as noted above, Applicants' medical article (and method of using the medical article) having microreplicated channels provides functional fluid transport properties that cannot be provided by the article described in Turi *et al.* that possesses non-microreplicated channels.

Applicants submit that the rejection of claims 39-44, 49, 50, and 59-60 under 35 USC § 103(a) as being unpatentable over Turi *et al.* has been overcome. Withdrawal of the rejection is respectfully requested.

Conclusion

In view of the above, Applicants submit that the application is in condition for allowance. Reconsideration of the application and allowance of claims 36-60 is requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that doing so may assist prosecution of this application.

Respectfully submitted,

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Date

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